

PTO/SB/51 (06-03)

Approved for use through 01/31/2004. OMB 0851-0033

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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REISSUE APPLICATION DECLARATION BY THE INVENTOR

Docket Number (Optional)

S002-P04035US

I hereby declare that:

Each inventor's residence, mailing address and citizenship are stated below next to their name.

I believe the inventors named below to be the original and first inventor(s) of the subject matter which is described and claimed in patent number 6,372,186, granted April 16, 2002 and for which a reissue patent is sought on the invention entitled GERMICIDAL LAMP FOR HARSH ENVIRONMENTS

the specification of which

☐ is attached hereto.☒ was filed on 11/12/2003 as reissue application number 10/706,483

and was amended on 10/04/2004, 4/26/2005, 2/28/2006, 7/25/2006, 1/17/2007
(if applicable)

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

☐ I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b). Attached is form PTO/SB/2B (or equivalent) listing the foreign applications.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

☐ by reason of a defective specification or drawing.☒ by reason of the patentee claiming more or less than he had the right to claim in the patent.☐ by reason of other errors.

At least one error upon which reissue is based is described below. If the reissue is a broadening reissue, such must be stated with an explanation as to the nature of the broadening:

The reissue application is a broadening reissue.

The original claims do not enumerate protection for all of the environmental conditions described in the specification. The fixture of the amended claims comprises a fixture resistant to environmental conditions including at least one of falling dirt, rain, sleet, snow, windblown dust, formation of ice, splashing water, hose directed water, environmental corrosion to protect the interior space of the fixture from the environmental conditions.

The original claims do not enumerate a cover adapted to ruggedize the electrical interface. The amended claims recite this feature.

{Page 1 of 2}

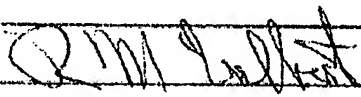
This collection of information is required by 37 CFR 1.175. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/51 (06-03)

Approved for use through 01/31/2004. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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(REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2)		Docket Number (Optional) S002-P04035US	
All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant. As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith.			
Name(s) Steven C. Sorehoff John E. Guntter		Registration Number 37,035 43,649	
Correspondence Address: Direct all communications about the application to:			
<input checked="" type="checkbox"/> Customer Number:		33356	
OR			
<input type="checkbox"/> Firm or Individual Name			
Address			
Address			
City		State	Zip
Country			
Telephone		Fax	
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.			
Full name of sole or first inventor (given name, family name) Forrest B. Fencil			
Inventor's signature		Date	
Residence USA		Citizenship USA	
Mailing Address 7021 Starlight Circle, Huntington Beach, CA 92647			
Full name of second joint inventor (given name, family name) Robert M. Culbert			
Inventor's signature 		Date 6-15-07	
Residence USA		Citizenship USA	
Mailing Address 11100 E. Artesia Blvd. Suite D, Cerritos, CA 90703			
Full name of third joint inventor (given name, family name)			
Inventor's signature		Date	
Residence		Citizenship	
Mailing Address			
<input type="checkbox"/> Additional joint inventors or legal representative(s) are named on separately numbered sheets forms PTO/SB/02A or 02LR attached hereto.			

(Page 2 of 2)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : Confirmation No.

Appl. No. Bar Code :

Applicant : Fencel, et. al.

Filed :

TC/A.U. :

Examiner :

Docket No. : S002-P02005US

Customer No. : 33356

Customer No. Bar
Code :

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Petition Under Section 1.47**Filing when an inventor refuses to sign or cannot be reached**

The Commissioner is hereby petitioned to accept the declaration of Robert M. Culbert on behalf of Robert M. Culbert and Forrest B. Fencel. Mr. Fencel has refused to sign as shown in attached letter from Mr. Fencel's attorney, Joseph J. Sheehan of Augustini & Wheeler, LLP, dated August 15, 2003.

The fee set forth in 37 C.F.R. § 1.17(h) is enclosed.

The last known address of Mr. Fencel is 7021 Starlight Circle, Huntington Beach, CA 92647. Mr. Sheehan may be reached at 523 W. Sixth St., Ste 300, Los Angeles, CA 90014, (213/629-8888).

Please contact the undersigned if there are any questions, or if this petition is not in a form to be granted.

11/17/2003 DTESSEM1 00000114 10706483

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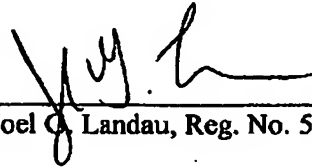
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Respectfully submitted,

Date: October 23, 2003



Steven C. Sereboff, Reg. No. 37,035



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AUGUSTINI & WHEELER LLP

LITIGATION ATTORNEYS

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Los Angeles, CA 90014-1226

Tel: 213/629-8888 Fax: 213/688-7600

August 15, 2003

By Fax and First Class Mail

Christopher Chorba, Esq.
Gibson, Dunn & Crutcher
333 South Grand Ave.
Los Angeles, CA 90071-2197

Re: Steril-Aire U.S.A., Inc.

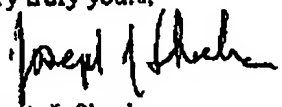
Dear Mr. Chorba:

As you know, I represent Forrest Fencel, who is named as inventor on a number of patents issued to, and patent applications prepared by, your client, Steril-Aire U.S.A., Inc.

Steril-Aire's patent counsel has requested that Mr. Fencel execute the standard inventor's declaration with respect to inventions for which Mr. Fencel is an inventor, which are the subject of certain patents issued to Steril-Aire and patent applications prepared by Steril-Aire. Mr. Fencel is unwilling to do so. Execution of the declaration would require that Mr. Fencel review the applications and other documents, and Mr. Fencel is unwilling to do so out of concern that Steril-Aire might thereafter assert a claim against Mr. Fencel based on that review, such as a claim that Mr. Fencel used, misappropriated or wrongfully disclosed confidential information.

If you have any questions, please do not hesitate to call.

Very truly yours,



Joseph J. Sheehan



UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

In re Application of
Fencl and Culbert
Reissue Application No.: 10/706,483
Filed: November 12, 2003
Attorney Docket No: S002-P02005US
For: GERMICIDAL LAMP FOR HARSH ENVIRONMENTS

:
:
: DECISION ACCORDING
: RULE 47(a) STATUS

This is in response to the petition under 37 CFR 1.47(a), filed November 12, 2003.

The petition is **GRANTED**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

The above-cited reissue application was filed on November 12, 2003, and was accompanied by a declaration executed by only inventor Culbert. A petition under 37 CFR 1.47 was also filed on November 12, 2003, indicating that inventor Fencl expressly refused to execute the declaration for the reissue application. A letter from the attorney for inventor Fencl accompanied the petition expressing inventor Fencl's refusal to execute the declaration.

Petitioner has shown that inventor Fencl has expressly refused accept the application papers for review and had refused to join the above-identified reissue application. The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application will be forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries should be directed to the undersigned at (703) 305-0010.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions